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8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	STATE OF C	
11	In the Matter of the Accusation Against:	Case No. 2013-442
12	MARTHA JANE MILLER, AKA MARTHA RONNING MILLER, AKA	
13	MARTHA JANE RONNING 819 East Park Street	ACCUSATION
14	Carlise, AR 72024	
15		
16	Registered Nurse License No. 438319	·
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18	Respondent.	
19		
20	Complainant alleges:	
21	PARTIES	
22	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
23	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
24	Consumer Affairs.	
25	2. On or about March 31, 1989, the Board of Registered Nursing issued Registered	
26	Nurse License Number 438319 to Martha Jane Miller, aka Martha Ronning Miller, aka Martha	
27	Jane Ronning (Respondent). The Registered Nurse License expired on December 31, 2010, and	
28	has not been renewed.	
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#### JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

#### STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
  - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- 7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

#### 8. Health and Safety Code section 11173 states:

"(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

"(b) No person shall make a false statement in any prescription, order, report, or record, required by this division."

### 9. Health and Safety Code section 11350 states:

"Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison."

#### 10. Health and Safety Code section 11371.1 states:

"Any person who shall knowingly violate any of the provisions of Section 11173 or 11174 with respect to (1) a controlled substance specified in subdivision (b), (c), or (d) of Section 11055, or (2) a controlled substance specified in paragraph (1) of subdivision (b) of Section 11056, or (3) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V, or who in any voluntary manner solicits, induces, encourages or intimidates any minor with the intent that such minor shall commit any such offense, shall be punished by imprisonment in the state prison, or in a county jail not exceeding one year."

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#### 11. CONTROLLED SUBSTANCE

- A. "Dilaudid," is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(K) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.
- 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

#### FACTUAL BACKGROUND

13. On or about August 12, 2009, Respondent administered 2mg of Dilaudid to a patient without a doctor's order, and then falsified the chart of that same patient by indicating that a verbal order from a doctor had been given. Respondent then called the doctor whose name Respondent had used for purposes of that same falsified verbal order and requested that this same doctor "cover" her for having committed this unauthorized act. Respondent subsequently admitted she committed each of the acts as set forth above in this same paragraph.

#### FIRST CAUSE FOR DISCIPLINE

(Falsified Hospital Records)

14. Respondent's license is subject to disciplinary action under Code section 2761, subdivisions (a) and (d), on the grounds of unprofessional conduct, as defined under Code section 2762, subdivision (e), for violating Health and Safety Code sections 11350, and 11173, subdivisions (a) and (b), in that while employed as a registered nurse at Arrowhead Regional Medical Center (ARMC) in Colton, California, Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records pertaining to controlled substances and dangerous drugs. Complainant refers to, and by this reference incorporates the allegations in paragraph 13, as though set forth fully.

#### SECOND CAUSE FOR DISCIPLINE

(Obtained Controlled Substances by Fraud or Deceit)

Respondent's license is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), for violating Health and Safety Code section 11173, subdivision (a), in that while employed as a registered nurse at ARMC, Respondent obtained controlled substances by fraud or deceit. Complainant refers to, and by this reference incorporates the allegations in paragraph 13, as though set forth fully.

#### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 438319, issued to Martha Jane Miller, aka Martha Ronning Miller, aka Martha Jane Miller;
- 2. Ordering Martha Jane Miller to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - Taking such other and further action as deemed necessary and proper. 3.

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

LA2011505174 accusation.rtf

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